



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: December 7, 2006
Comment Deadline: January 8, 2007
Corps Action ID #: 2006-41506-388

The Wilmington District, Corps of Engineers (Corps) has received an application from the Catatoga Club, represented by Mr. Bucky Harris, seeking Department of the Army authorization to impact waters of the United States in order to perform maintenance dredging on 8 acres of Lake Catatoga, fill 2.5 linear feet of stream for dam reconstruction, and re-impound 520 linear feet of stream channel in the location of the former pond; both Lake Catatoga and the former pond site are located on land owned by the Catatoga Club near the town of Lake Toxaway, Transylvania County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: The Catatoga Club
Attention: Mr. Bucky Harris
3340 Peachtree Road, Suite 2200
Atlanta, Georgia 30326

Agent: Clear Water Environmental Consultants, Inc.
Attention: Mr. Clement Riddle
718 Oakland Street
Hendersonville, North Carolina 28791

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

The project site is located south of U.S. Highway 64, approximately 1.0 miles southeast of the Lake Toxaway dam. Access to the project site is via a private road that enters the property from Flat Creek Valley Road to the east. The project site includes the approximately 11-acre Lake Catatoga and the former pond site; both of these features are located within the Catatoga Club near the Town of Lake Toxaway, Transylvania County, North Carolina (35.1159 N, -82.9136 W).

Existing Site Conditions

The Catatoga Club is an existing residential development with many of the roads and much of the other infrastructure already constructed. The former pond area located on the project site was drained when the rock dam was breached from storm damage. The pond bed has reverted to uplands with an associated stream channel. The upland areas have early successional vegetative species while the stream is morphologically unstable with little biotic integrity (Stream Quality Assessment Worksheet rating = 36).

Lake Catatoga is an approximately 11-acre lake located on the Catatoga development. Indian Creek is a perennial blue line stream above and below Lake Catatoga. This stream is classified as Class C Trout Waters by the N.C. Division of Water Quality. Down stream of the project site, Indian Creek flows through very steep terrain within Nantahala National Forest prior to the confluence with the Toxaway River. The Toxaway River flows into Lake Jocassee on the North Carolina/South Carolina border.

Applicant's Stated Purpose

To remove accumulated sediment in Lake Catatoga in order to provide suitable depths for recreational activities and to reconstruct a former pond on the property.

Project Description

The applicant proposes to construct a new dam and re-impound the former pond to the historic level that existed prior to the storm damage. A total of 2.5 linear feet of stream channel would be impacted by the placement of fill during dam construction. A new dam would be constructed using modern engineering practices to limit the potential for another breach. A total of 520 linear feet of stream would be re-impounded.

The applicant is also requesting authorization to dredge approximately 8 acres of the 11-acre lake bed of Lake Catatoga. The applicant proposes to drain the lake, allow the lake bed to dry for three to five weeks, and then remove approximately 25,813 cubic yards (an average of 24") from the lake bottom. The applicant would maintain a small permanent pool at the base of the dam during dredging to provide sediment and erosion control measures. No dredging of vegetated wetlands is proposed as part of this project.

Dredging would be conducted using bulldozers and rubber tire backhoes that would excavate the sediment and place the dredged material into piles. The dredged material would then be placed into trucks for removal from the lake bed. The 25,813 cubic yards of dredged material would be disposed of in an upland area adjacent to Flat Creek Valley Road. No dredging work would be conducted between January 15 and April 15 to avoid the spawning season for trout species. No wetlands are proposed for impact as part of this project.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North

Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by January 8, 2007.

In addition, this project may be located in a watershed subject to Tennessee Valley Authority (TVA) permit requirements pursuant to Section 26a of the TVA Act. This Public Notice and all application materials are being forwarded to Mr. Harold Draper, NEPA Team Leader, 400 West Summit Hill Drive, Knoxville, TN 37902-1401. Questions or comments regarding Section 26a permit requirements should be directed to Mr. Draper at the above address.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use,

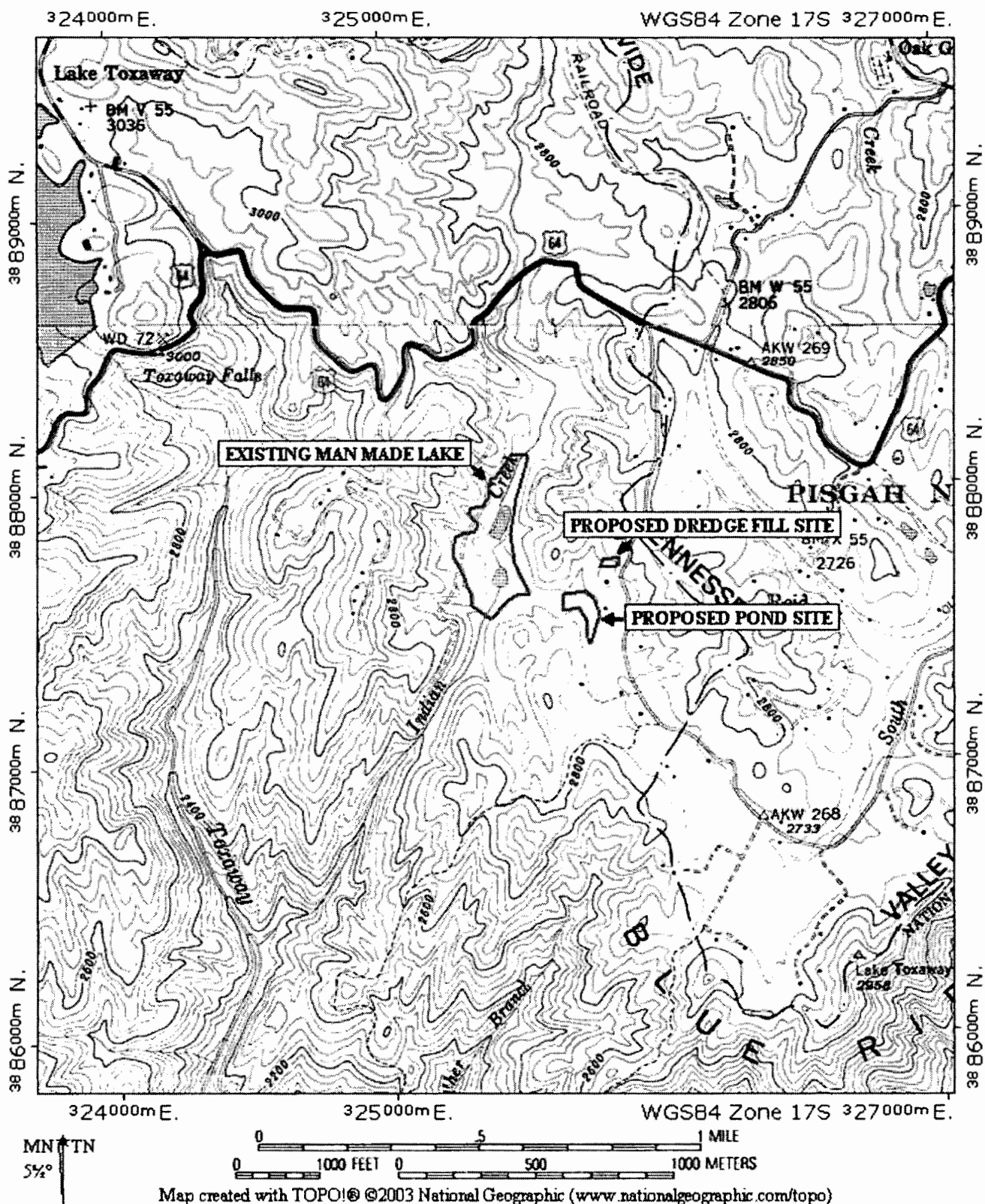
navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, January 8, 2007. Comments should be submitted to Ms. Lori Beckwith, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina, 28801-5006.

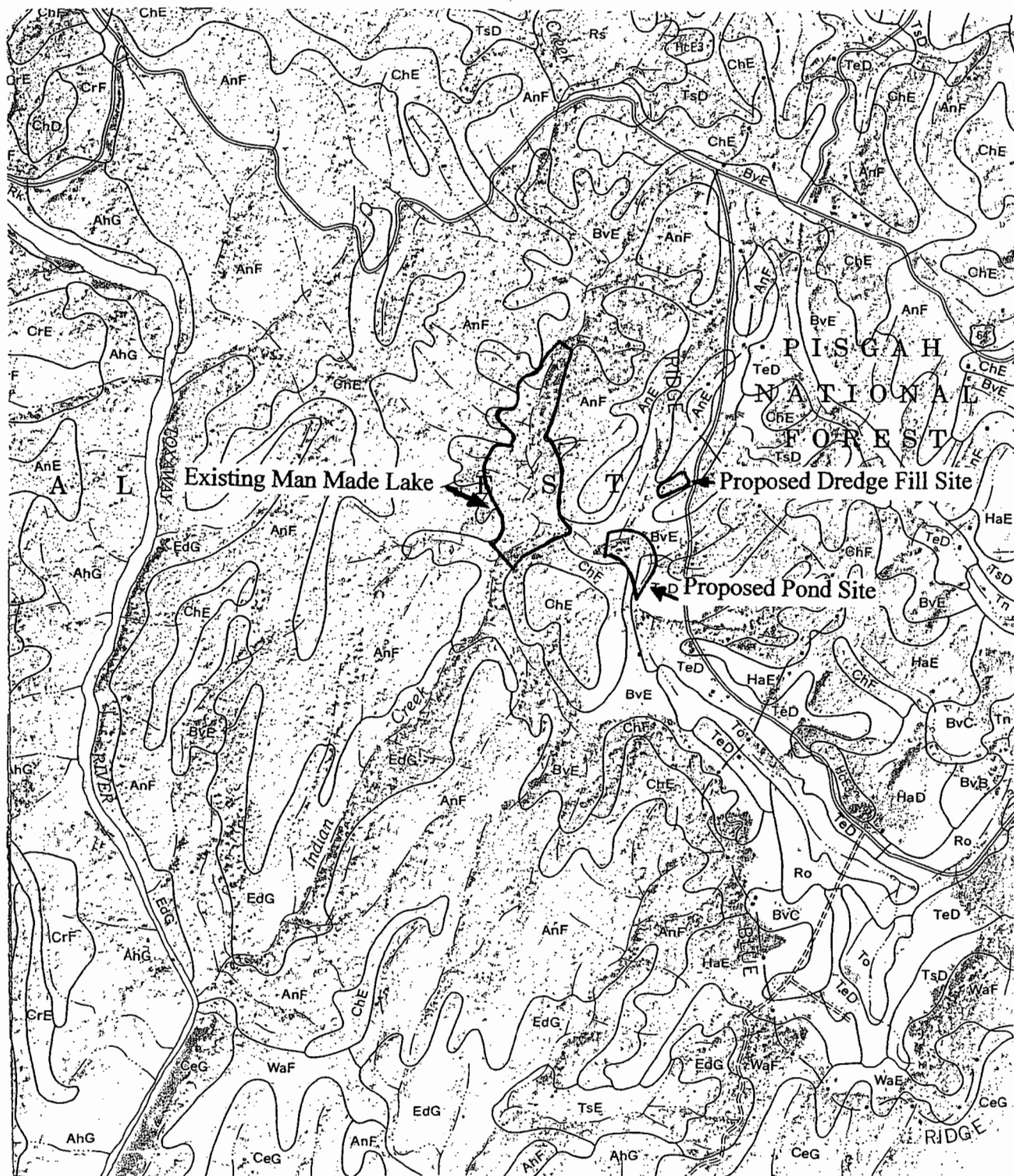


Catatoga Club
Transylvania County
North Carolina

CLEARWATER

Environmental Consultants, Inc.
718 Oakland Street
Hendersonville, NC 28791
828-698-9800

USGS Topographic Site Map
Figure 2



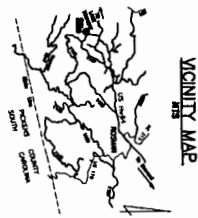
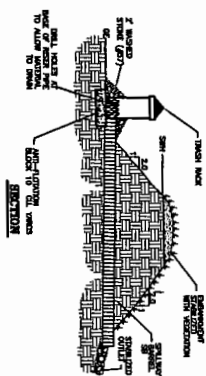
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Source: USDA, Natural Resources Conservation Services, Transylvania County, North Carolina, Sheet (39)

Catatoga Club
Transylvania County
North Carolina

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USDA Soil Survey Map
Figure 3



VICINITY MAP.

06048

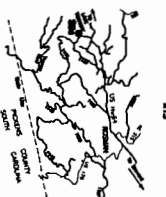
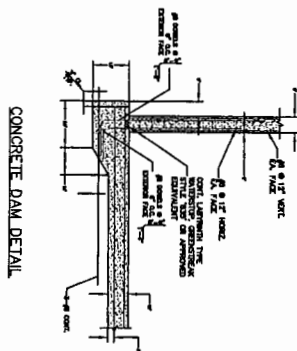
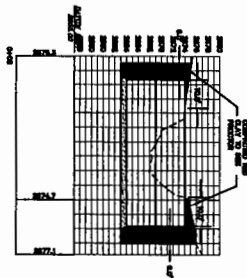
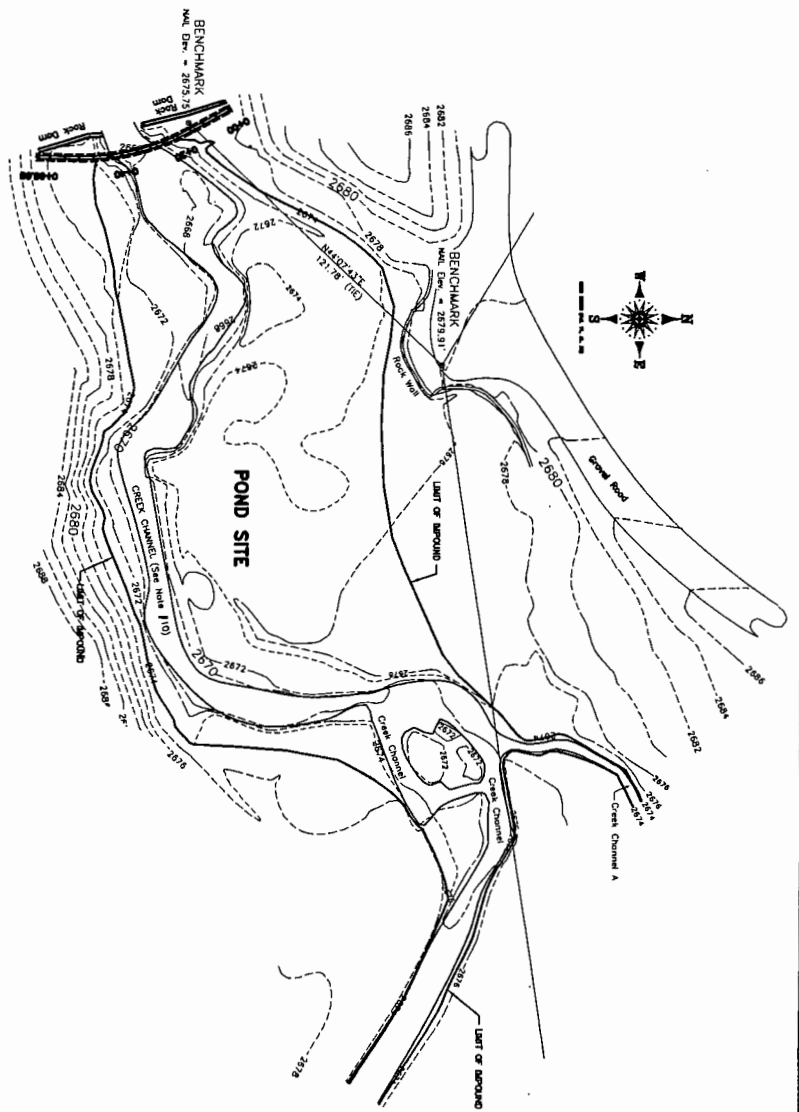
GENERAL NOTES:

1. A WEEDING OF A 10' BUFFER IS REQUIRED ON ALL NATURAL WATER COURSES.

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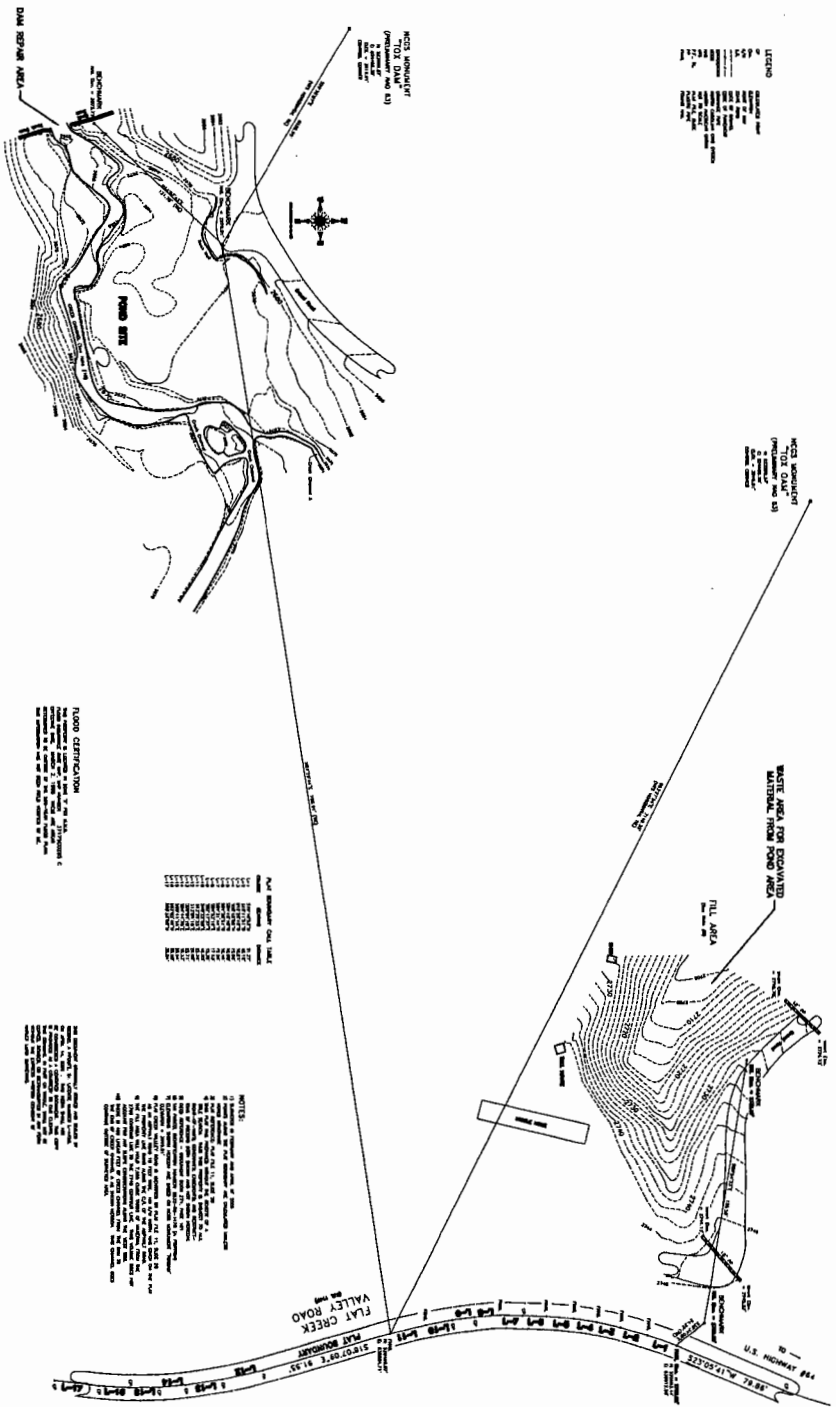
CATATOGA DAM REPAIR
TRANSYLVANIA COUNTY, NC
POND WASTE MATERIAL AREA

6 OF 6
 08-15-08
 1330 CATES
 152 East Main Street
 Forest City, N.C. 28043
 818-247-4495



GENERAL NOTES:
1. A PORTION OF A 1/4\"/>

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NEIGHBORHOOD MAP 		GENERAL NOTES: 1. A portion of a 1/2 section is required for the National Water Census.																					
PROJECT INFORMATION PROJECT NAME: CATATOGA DAM REPAIR LOCATION: TRANSYLVANIA COUNTY, NC DRAWING NO.: 06048 DATE: 04-11-08 SCALE: 1" = 100' DESIGNED BY: JMH CHECKED BY: JMH IN CHARGE: JMH		REVISIONS <table border="1"> <thead> <tr> <th>REV</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		REV	DESCRIPTION	BY	DATE																
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